Notice of Allowability	Application No.	Applicant(s)	
	09/941,496	TOLLE ET AL.	
	Examiner	Art Unit	
	Vanel Frenel	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *6/18/07*.

2. ☒ The allowed claim(s) is/are *1-35*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Drawings submitted 1/15/02 are approved.

F.F. 7/4/07

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Appeal Brief filed on 6/18/07. Claims 1-35 are pending.

2. The drawings submitted 1/15/02 are approved.

Allowable Subject Matter

3. Claims 1-35 are allowed. The following is an Examiner's statement of reasons for allowance in light of Applicant's arguments.

Independent claim 1 is directed to "receiving a plurality of historical de-identified patient prescription records corresponding to prescriptions issued to at least one de-identified patient by at least one physician, each record including de-identified patient identification number, dosage and prescription product information; receiving user-specified information defining a subset of the historical de-identified patient prescription records; extracting at least one relevant historical de-identified patient prescription record from the received historical de-identified patient prescription records based on the subset; for each de-identified patient, comparing dosage and prescription product information contained in a first extracted historical de-identified patient record with dosage and prescription product information contained in a second extracted historical de-identified patient record; and for each comparison made in step (d), categorizing a prescription based on a change or prescription product".

The closest prior art of record, Portwood et al (6,305,377) discloses system and method for improving compliance of a medical regimen.

Edelson et al (5,737,539) discloses prescription creation system.

However, none of the prior art cited above fairly teaches/ suggests "receiving a plurality of historical de-identified patient prescription records corresponding to prescriptions issued to at least one de-identified patient by at least one physician, each record including de-identified patient identification number, dosage and prescription product information; receiving user-specified information defining a subset of the historical de-identified patient prescription records; extracting at least one relevant historical de-identified patient prescription record from the received historical de-identified patient prescription records based on the subset; for each de-identified patient, comparing dosage and prescription product information contained in a first extracted historical de-identified patient record with dosage and prescription product information contained in a second extracted historical de-identified patient record; and for each comparison made in step (d), categorizing a prescription based on a change or prescription product".

Independent claim 10 is directed to "receiving a plurality of historical de-identified patient prescription records corresponding to prescriptions issued to at least one de-identified patient by at least one physician, each record including de-identified patient identification number, prescription product information, date dispensed, dosage, number of days supplied, and refill information; receiving user-specified information defining a subset of the historical de-identified patient prescription records; extracting at least one

relevant historical de-identified patient prescription record from the received historical de-identified patient prescription records based on the subset; for each de-identified patient, comparing dosage and prescription product information contained in a first extracted historical de-identified patient record with dosage and prescription product information contained in a second extracted historical de-identified patient record; for each comparison made in step (d), categorizing a prescription based on a change or prescription product; extracting at least one relevant historical de-identified patient prescription record from the prescriptions categorized at step (e) based on the refill information; for each de-identified patient, determining a refill due date based on the dosage and the number of days supplied for a first prescription; for each de-identified patient, comparing the refill due date of the first prescription with the date dispensed for a second prescription; and for each comparison made in step (h), categorizing the de-identified patient based on the duration between the refill due date of the first prescription and the date dispensed for the second prescription".

However, none of the prior art cited above fairly teaches/ suggests "receiving a plurality of historical de-identified patient prescription records corresponding to prescriptions issued to at least one de-identified patient by at least one physician, each record including de-identified patient identification number, prescription product information, date dispensed, dosage, number of days supplied, and refill information; receiving user-specified information defining a subset of the historical de-identified patient prescription records; extracting at least one relevant historical de-identified patient prescription record from the received historical de-identified patient prescription

records based on the subset; for each de-identified patient, comparing dosage and prescription product information contained in a first extracted historical de-identified patient record with dosage and prescription product information contained in a second extracted historical de-identified patient record; for each comparison made in step (d), categorizing a prescription based on a change or prescription product; extracting at least one relevant historical de-identified patient prescription record from the prescriptions categorized at step (e) based on the refill information; for each de-identified patient, determining a refill due date based on the dosage and the number of days supplied for a first prescription; for each de-identified patient, comparing the refill due date of the first prescription with the date dispensed for a second prescription; and for each comparison made in step (h), categorizing the de-identified patient based on the duration between the refill due date of the first prescription and the date dispensed for the second prescription".

Independent claim 25 is directed to "a mass storage device for storing a plurality of historical de-identified patient prescription records corresponding to prescriptions issued to at least one de-identified patient by at least one physician, each record including de-identified patient identification number, dosage, number of days supplied and prescription product information, dosage, fill date, and number of days supplied; an input device, coupled to the mass storage device, for receiving user-specified information which defines a subset of the historical de-identified patient prescription records; a prescription organized, coupled to the input device, configured to compare the dosage and the prescription product information contained in a first historical de-

identified patient prescription record with the dosage and prescription product information contained in a second historical de-identified patient prescription record, and to categorize a prescription based on a change in dosage or prescription product; and a persistence calculator, coupled to the prescription categorizer, configured to determine the due date of a first prescription based on the dosage and the number of days supplied, to compare the due date of the first prescription with the fill date of a second prescription, and to categorize the de-identified patient based on the duration between the due date of the first prescription and the fill date of the second prescription".

However, none of the prior art cited above fairly teaches/ suggests "a mass storage device for storing a plurality of historical de-identified patient prescription records corresponding to prescriptions issued to at least one de-identified patient by at least one physician, each record including de-identified patient identification number, dosage, number of days supplied and prescription product information, dosage, fill date, and number of days supplied; an input device, coupled to the mass storage device, for receiving user-specified information which defines a subset of the historical de-identified patient prescription records; a prescription organized, coupled to the input device, configured to compare the dosage and the prescription product information contained in a first historical de-identified patient prescription record with the dosage and prescription product information contained in a second historical de-identified patient prescription record, and to categorize a prescription based on a change in dosage or prescription product; and a persistence calculator, coupled to the prescription categorizer, configured to determine the due date of a first prescription based on the dosage and the

number of days supplied, to compare the due date of the first prescription with the fill date of a second prescription, and to categorize the de-identified patient based on the duration between the due date of the first prescription and the fill date of the second prescription".

A search has been conducted for a foreign prior art, however, none has been found.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F
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Art Unit 3627

August 27. 2007

14/25/07

F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER